

ACANTHA LLC,  
  
Plaintiff,  
  
v.  
  
DEPUY SYNTHES SALES, INC. and  
DEPUY SYNTHES PRODUCTS, INC.,  
  
Defendants.

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Civil Action No. 1:15-cv-01257-WCG

JURY TRIAL DEMANDED

2. Did Acantha prove by a preponderance of the evidence that Defendants infringe the following claims of the '008 patent with the Zero-P VA product?

**Answer "Yes" or "No" for each Claim.**

Claim 21 \_\_\_\_\_

Claim 36 \_\_\_\_\_

(If you answered "No" for Claim 36, you must also answer "No" for Claim 37, since it is a dependent claim.)

Claim 37 \_\_\_\_\_

Claim 59 \_\_\_\_\_

(If you answered "No" for Claim 59, you must also answer "No" for Claims 79 and 85, since they are dependent claims.)

Claim 79 \_\_\_\_\_

Claim 85 \_\_\_\_\_

*Answer Question 3 only if you answered "yes" for any of Questions 1 or 2 above. Otherwise, do not answer the question.*

3. Did Acantha prove by a preponderance of the evidence that Defendants' infringement was willful?

**Answer "Yes" or "No" below.**

'008 patent \_\_\_\_\_

4. Did Defendants prove by clear and convincing evidence that any of the following claims are invalid because of obviousness?

**Answer "Yes" or "No" for each Claim.**

Claim 3 \_\_\_\_\_

(If you answered "No" for Claim 3, you must also answer "No" for Claim 9, since it is a dependent claim.)

Claim 9 \_\_\_\_\_

Claim 21 \_\_\_\_\_

Claim 36 \_\_\_\_\_

(If you answered "No" for Claim 36, you must also answer "No" for Claim 37, since it is a dependent claim.)

Claim 37 \_\_\_\_\_

Claim 59 \_\_\_\_\_

(If you answered "No" for Claim 59, you must also answer "No" for Claims 72, 79, and 85, since they are dependent claims.)

Claim 72 \_\_\_\_\_

Claim 79 \_\_\_\_\_

Claim 85 \_\_\_\_\_

*Answer Questions 5 and 6 only if, for at least one claim, you answered “Yes” in Questions 1 or 2 and answered “No” for that claim in Question 4. Otherwise, do not answer these questions.*

5. What is the reasonable royalty that the plaintiff has proven by a preponderance of the evidence that it is entitled to?

Royalty Rate: \_\_\_\_\_

Royalty Base: \$\_\_\_\_\_

Total Amount: \$\_\_\_\_\_

(Royalty Rate percentage multiplied by Royalty Base)

6. In your answer to Question 5, did you include instruments in your royalty base? Answer “yes” or “no.”

\_\_\_\_\_

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**JURY FOREPERSON**